

ARTICLE 7
ACCESSORY STRUCTURES AND USES

7.00 .00 PURPOSE

- 7.00.01 Legislative findings, Ordinance Number 2001-04
- 7.00.02 Legislative Findings, Ordinance Number 2003-05
- 7.00.03 Legislative Findings, Ordinance Number 2007-01

7.01.00 ACCESSORY STRUCTURES

- 7.01.01 General Standards and Requirements
- 7.01.02 Satellite Dish Antenna
- 7.01.03 Storage Buildings, Utility Buildings, Greenhouses
- 7.01.04 Swimming Pools, Hot Tubs, and Similar Structures
- 7.01.05 Fences, Hedges, and Walls

7.02.00 ACCESSORY USES

- 7.02.01 Accessory Apartments
- 7.02.02 Home Occupations
- 7.02.03 Outside Storage Uses
- 7.02.04 Bed and Breakfast
- 7.02.05 Commercial Vehicle Parking

ARTICLE 7

ACCESSORY STRUCTURES AND USES

7.00.00 PURPOSE

It is the purpose of this Article to regulate the installation, configuration, and use of accessory structures, and the conduct of accessory uses, in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

7.00.01 Legislative findings, Ordinance Number 2001-04

The City Commission of the City of Lake Helen has determined, after considering sound and generally accepted planning and land use principles and the desires of the citizens of the City, that the appropriate land use/zoning district/category/classification for the location and operation of bed and breakfast facilities is the Mixed Commercial land use district/zoning district/category/classification.

(Ord. 2001-04; §1 6-21-2001)

7.00.02 Legislative Findings, Ordinance Number 2003-05

WHEREAS, the City Commission of the City of Lake Helen has concluded that the use of residential properties for home occupations should be appropriately regulated in order that the high quality of life enjoyed by the citizens of the City will be maximized and continued; and

WHEREAS, the application of sound land use and planning principles has resulted in the conclusion that the provisions of Section 7.02.02 of the *Code of Ordinances of the City of Lake Helen* should be substantially modified; and

WHEREAS, the City Commission, based upon a consideration of the foregoing, the contents of the various documents presented to the City Commission and the deliberations of the Planning and Land Development Regulation Commission, finds that adopting an amendment to the Code of Ordinances of the City of Lake Helen is appropriate and will further the interests of the City and its citizens.

(Whereas, Ord. No. 2003-05, §1, 10-2-2003)

7.00.03 Legislative Findings, Ordinance Number 2007-01

WHEREAS, the City Commission of the City of Lake Helen has concluded that the use of residential properties for home occupations should be appropriately regulated in order that the high quality of life enjoyed by the citizens of the City will be maximized and continued; and

WHEREAS, the application of sound land use and planning principles has resulted in the conclusion that the provisions of Section 7.02.02 of the *Code of Ordinances of the City of Lake Helen* should be substantially modified; and

WHEREAS, the City Commission, based upon a consideration of the foregoing, the contents of the various documents presented to the City Commission and the deliberations of the Planning and Land Development Regulation Commission, finds that adopting an amendment to the Code of Ordinances of the City of Lake Helen is appropriate and will further the interests of the City and its citizens.

(Whereas, Ord. No. 2007-01; §1, 1-18-2007)

7.01.00 ACCESSORY STRUCTURES

7.01.01 General Standards and Requirements

Any number of different accessory structures may be located on a parcel, providing that the following requirements are met:

- A. There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code.
- B. Temporary accessory uses such as storage sheds related to construction sites are exempt from these requirements, but they shall require a permit and shall be removed from the site within 30 days after the issuance of a Certificate of Occupancy.
- C. All accessory structures shall comply with standards pertaining to the principal use.
- D. Accessory structures shall not be located in a required buffer, landscape area, or minimum building setback area.
- E. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- F. Accessory structures shall be shown on any concept development plan with full supporting documentation.
- G. No accessory structure, other than walls and fences required by Section 7.02.03 B, and accessory buildings, shall exceed twelve feet (12') in height.
- H.
 - 1. Accessory buildings shall be set back a minimum of twenty feet (20') from any property line; provided, however, that accessory buildings that do not exceed one hundred fifty (150) square feet in

size can be set back a minimum of ten feet (10') from property lines.

2. The maximum height of an accessory building shall not exceed fifteen feet (15'), unless a deviation to said height limitation is granted by the City; Notwithstanding the foregoing, an accessory building located on a lot or parcel of one and one-quarter (1 ¼) acre or greater in size shall be permitted, without the necessity for a height deviation being granted, to have a maximum height of twenty-five feet (25'), if said accessory building is set back a minimum of fifty feet (50') from all property lines. In the event that a property owner of a lot or parcel of one and one-quarter (1 ¼) acre or greater in size desires to locate an accessory building, that is greater than fifteen feet (15') in height, at a distance that is less than fifty feet (50') from all property lines, said property owner shall be required to obtain a height deviation approval from the City.

Height deviations of up to ten feet (10') may be granted administratively. Height deviations greater than ten feet (10') shall require approval by the City Commission. Factors to be considered when determining whether or not a height deviation will be granted shall include: (a) the specific need for the deviation; (b) architectural design enhancements facilitated by the deviation; (c) compatibility with adjacent and nearby structures; (d) distance of the proposed accessory building from adjacent property lines; and, (e) topographic features in and around the location of the proposed accessory building.

3. Any future division of a property upon which an accessory building exceeding fifteen feet (15') in height has been placed on, or after, May 17, 2001, shall be required to provide, at a minimum, for a setback of said accessory building that is consistent with the setback that has been permitted in accordance with the provisions of this Section.

(Ord. No. 2006-01; § I, 2-2-2006) (Ord. No. 2006-05; §I, 4-6-06)

- I. Accessory buildings greater than one hundred and fifty (150) square feet in size shall be architecturally compatible (meaning similar or complementary in style and materials) with the principal building and/or surrounding properties. The compatibility requirements of this Subsection are not applicable to accessory structures located on lots or parcels two and one half (2.5) acres in size or greater; provided, however, that a minimum setback of one hundred (100) feet shall be maintained from any and all property lines. Any division of a lot or parcel, on which an accessory building that does not comply with the compatibility requirements of this Subsection is constructed after June 21, 2001, shall maintain a minimum size of two and one half (2.5) acres and shall provide for said accessory

building to be set back a minimum of one hundred feet (100') from any and all property lines created by the division of the lot or parcel.
(Ord. 2001-05; § 1, 6-21-2001)

7.01.02 Satellite Dish Antenna

A. General Standards

1. All satellite dish antenna installations beginning with the enactment of this Code shall meet the following requirements:
 - a. The satellite dish antenna shall be considered a structure requiring a building permit to be issued prior to installation. Subsequent to installation, the antenna shall be maintained in compliance with all applicable building and electrical codes.
 - b. The satellite dish antenna installation and any part thereof shall maintain vertical and horizontal clearances from any electric lines and shall conform to the National Electric Safety Code.
 - c. The satellite dish antenna installation shall meet all FCC and manufacturer specifications, rules, and requirements.
 - d. The satellite dish antenna shall be of a nonreflective surface material and shall be made, to the maximum extent possible, to conform and blend, taking into consideration color and location, with the surrounding area and structures.
 - e. The satellite dish antenna shall contain no advertising or signage of any type.
 - f. The installer of any satellite dish antenna, prior to installation, shall submit detailed blueprints/drawings of the proposed satellite dish antenna installation and foundation which shall be certified by the manufacturer or a professional engineer.
 - g. The satellite dish antenna installation shall be permitted to be placed in side and rear areas of the main dwelling or commercial structure only.
 - h. The satellite dish antenna shall be screened from view from a public right-of-way.
2. The following standards are for installations in developments:

- a. A satellite dish antenna shall be considered an accessory structure to the main dwelling structure and shall not constitute the principal use of the property.
- b. The satellite dish antenna installed pursuant to this subsection shall not be used for any commercial purposes. It shall only provide service to the main dwelling structure.
- c. Satellite dish antenna installations shall be limited to one installation per residential lot.
- d. The maximum size of the satellite dish antenna, whether ground or pole-mounted, shall be limited to twelve (12) feet in diameter.
- e. The maximum height of a ground-mounted satellite dish antenna installation shall be fifteen (15) feet.
- f. The maximum height of a pole-mounted satellite dish antenna installation shall be thirteen and one-half (13 ½) feet above the eaves of the roof.
- g. A satellite dish antenna shall not be permitted to be installed on the roof of any main dwelling structure.
- h. The satellite dish antenna installation, whether ground or pole, shall be mounted at a fixed point and shall not be portable.

B. Nonconforming Antenna

Any satellite dish antenna lawfully installed prior to the enactment of this Code shall be allowed to remain, until such time as it is replaced or moved. At the time of replacement or relocation, the provisions of this Code shall be met.

7.01.03 Storage Buildings, Utility Buildings, Greenhouses

- A. No accessory buildings used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than one hundred (100) feet from any property line.
- B. Storage buildings, greenhouses, and the like shall be permitted only in compliance with standards for distance between buildings, and setbacks, if any, from property lines.

- C. Storage and other buildings regulated by this section shall be permitted only in side and rear yards, and shall not encroach into any required building setback from an abutting right-of-way.
- D. Storage and other buildings regulated by this section shall be included in calculations for impervious surface, floor area ratio, or any other site design requirements applying to the principal use of the lot.
- E. Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings, or other such uses.

7.01.04 Swimming Pools, Hot Tubs and Similar Structures

- A. Swimming pools, hot tubs and similar structures shall require a permit.
- B. Swimming pools shall only be permitted in side and rear yards, and shall not encroach into any required building setback.
- C. Enclosures for pools shall be considered a part of the principal structure and shall comply with standards for minimum distance between buildings, yard requirements, and other building location requirements of this Code.
- D. All pools shall be completely enclosed with an approved wall, fence or other substantial structure not less than five (5) feet in height. The enclosure shall completely surround the pool and shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors.
- E. No overhead electric power lines shall pass over any pool unless enclosed in conduit and rigidly supported, nor shall any power line be nearer than ten (10) feet horizontally or vertically from the pool's water edge.
- F. Excavations for pools to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house, unless a trench wall is provided.
- G. Ground fault detectors shall be required.

7.01.05 Fences, Hedges and Walls

- A. All fences to be built shall comply with the Standard Building Code. The posts of each fence must be resistant to decay, corrosion, and termite infestation. The posts must also be pressure-treated for strength and endurance.

- B. Fences or hedges may be located in all front, side and rear yard setback areas. Walls shall not be located in the front yard or, for those corner lots where the property faces two (2) roadways, in the side yard facing the roadway. No fences or hedges shall exceed four (4) feet in height when placed in the front yard (the yard abutting a road or public right-of-way). Each fence or wall located in the side and rear yard setbacks shall not exceed the height of six (6) feet.
- C. In areas where the property faces two (2) roadways or is located in any other area construed to be a corner lot, no fence or hedge shall be located in the vision triangle.
- D. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way. These fences shall not have barbed wire, electric wire, or any other items affixed to them that may pose a safety hazard.
- E. A fence required for safety and protection of hazard by another public agency may not be subject to height limitations above. Approval to exceed minimum height standards may be given by the Building Official upon receipt of satisfactory evidence of the need to exceed height standards.
- F. No fence, hedge or wall shall be constructed or installed in such a manner as to interfere with drainage on the site.

7.02.00 ACCESSORY USES

7.02.01 Accessory Dwelling Units

A. Purpose

The purpose of this section is to further the City's goal to provide affordable housing without changing the low-density, predominantly single-family character of the City. Providing the opportunity for and encouragement of small, rental housing units will help meet the housing needs of single persons and couples as well as ease the financial burden of homeowners, particularly elderly persons who might otherwise have difficulty finding homes. This section is also intended to protect the property values and residential character of neighborhoods where accessory units are located.

B. Development Standards

Accessory units shall be allowed by permit in residential areas provided that all of the following requirements shall be met:

1. No more than one (1) accessory dwelling unit shall be permitted on

any residential lot.

2. The unit may be established through 1) conversion of existing floor space in a single-family structure; 2) an addition to an existing accessory structure, provided it is located within the area of the lot allowed for principal dwellings.
3. The accessory unit may not be constructed within the front yard of any lot.
4. The accessory unit shall be clearly subordinate to the principal dwelling and shall not exceed 25 percent of the total floor space of the original dwelling plus an additional space required to meet the 300 square foot minimum. The exterior appearance and character shall be compatible with the existing principal dwelling and neighborhood.
5. Each accessory unit shall contain its own private and separate bathroom and kitchen and have separate access to the outside.
6. One additional off-street parking space shall be provided for the accessory unit.
7. The accessory unit shall be a minimum of 300 square feet.

C. Occupancy

The owner shall reside in one of the two dwelling units, which shall be his/her principal residence.

7.02.02 Home Occupations.

- A. The intent of this section is to allow a person to engage in a home occupation, or to establish a home office, within a residential dwelling in which the person resides, or within an accessory building on the parcel on which the residential dwelling is located, so long as the character and integrity of the residential neighborhood is preserved and the neighborhood is protected from possible adverse impacts associated with said occupation or office. Home occupations that would require more than one employee who is not a family member residing on the premises of the property on which the home occupation is conducted, home occupations that would typically require more than one delivery or pick up each day, and home occupations that would typically serve more than one visitor per hour would exemplify occupations that would generally be considered to be too intense in nature to be consistent with the stated intent of this section and should, therefore, be conducted in an appropriate non-residential land use

district.

- B. Examples of permitted home occupations include, but are not necessarily limited to, the following:

Consulting	Bookkeeping/Accounting
Mail Order/Manufacturer's Agent	Interior Decorator/Designer
Word Processing	Insurance Agent
Contractor (office only)	Artist/Sculptors
Architect/Engineer	Authors/Composers

Examples of prohibited home occupations include, but are not necessarily limited to, the following:

Adult Entertainment	Kennels
Clubs, Private	Modeling of Clothing
Escort Services	On-site Sale of Retail or Wholesale Products
Tow Truck Service	Tattoo and Piercing
Vehicle Sales or Rental	Non-State Licensed Massage

- C. A home occupation permitted in accordance with the provisions of this Section is subject to the following conditions, at a minimum:

1. The home occupation shall not be conducted in an area that exceeds one-third (1/3) of the heated and cooled area of the residential dwelling unit.
2. The home occupation must be clearly incidental to the residential use of the property, which must be that of a single-family residential use.
3. The home occupation business may employ members of the family unit residing on the property.
4. The home occupation business may employ one (1) employee who is not a member of the family unit residing on the property.
5. If a home occupation is a retail or wholesale products production or assemblage business, no article or commodity may be offered for sale or publicly displayed on the premises. However, off-premises sales of such retail and wholesale products are allowed,

so long as said sales are in compliance with the *City of Lake Helen Code of Ordinances*. If a home occupation is a service provision business, no article or commodity may be offered for sale publicly displayed on the premises except those incidental to the service offered.

6. Outside display of materials relating to the home occupation is prohibited.
7. Outside storage of materials relating to the home occupation is prohibited.
8. One (1) motor vehicle associated with the home occupation may be housed or resident on the property which vehicle may have a maximum of two (2) axles and shall not be a motor vehicle that is generally utilized to make deliveries.
9. The home occupation may serve only one (1) client or customer at any one (1) time.
10. Off street parking for the home occupation may be used or permitted, but shall consist of no more than one (1) client/customer parking space and no more than one (1) non-family member employee parking space; provided, however, that none of said parking spaces may be located in the front yard of the premises.
11. Signage for the home occupation shall not be permitted. Signage on motor vehicles shall not be considered signage limited under the provisions of this Section.
12. The appearance of the structure within which the home occupation is conducted shall not be altered in any respect so as to cause the structure to appear in any way disparate or distinct from a residential structure.
13. It is unlawful for the activities conducted in pursuit of a home occupation to disturb the peace, quiet and tranquility of the residences located in the area of the structure at which the home occupation is being pursued and it is unlawful for the activities conducted in pursuit of the home occupation to detract from the residential character of the neighborhood in which the residential structure is located.
14. It is unlawful for the activities conducted in pursuit of a home occupation to create dust, vibration, smell, odors, smoke, glare, electrical interference, fire hazard, or any other nuisance or activity

that is not generally conducted in a residential structure.

15. It is unlawful for the activities conducted in pursuit of a home occupation to generate traffic that exceeds the number or intensity of trips that would normally occur in a residential area in which a business activity did not exist.
 16. If the property on which a home occupation is proposed to be conducted is rented, notarized written approval to conduct said occupation shall be obtained from the owner of the property.
 17. Authority to conduct a home occupation shall not be transferable:
 - (a) to another person at the same location except to a family member living on the premises intending to continue the existing home occupation without interruption at the same location;
 - (b) to a different structure at the same location;
 - (c) to any use other than the use for which the home occupation use has been granted a permit to be conducted on the property; or
 - (d) from one location to another through the sale, lease, or rental of the property or in any other manner.
- D. The uses of residential property for a home occupation shall be provided for by means of a permit approval in accordance with the following review procedures:
1. Proposed home occupations that have neither outside employees, nor clients visiting the premises of the home occupation, shall be reviewed and final action taken by the City Administrator. In taking final action, the City Administrator shall be empowered to approve, approve with conditions, or deny the home occupation application.
 2. Proposed home occupations that will employ an outside employee, that will have clients visiting the premises of the home occupation, or that will be conducted in an area that is not part of the main living area of the residence, shall be reviewed by the Planning and Land Development Regulation Commission, with final action on the application to be taken by the City Commission upon review of the PLDRC's recommendation. In taking final action, the City Commission shall be empowered to approve, approve with conditions, or deny the home occupation application.
 3. Proposed home occupations that the City Administrator determines to be unique, unusual or not commonly accepted as home occupations shall be reviewed by the Planning and Land Development Regulation Commission, with final action on the application to be taken by the City Commission upon review of the

PLDRC's recommendation. In taking final action, the City Commission shall be empowered to approve, approve with conditions, or deny the home occupation application.

4. Within three (3) days of the submission of an application for a home occupation permit that will require review by the Planning and Land Development Regulation Commission, the applicant shall: (a) notify, by certified mail, all property owners within 300 feet of the property that a Home Occupation Permit Application has been filed, and provide a copy of such notification to the PLDRC; and (b) place a Home Occupation Permit Application notification sign on the property. The notification letter and sign shall provide the following information: (a) the date that the application has been filed; (b) the type of home occupation applied for; the date that the Planning and Land Development Regulation Commission will review the application; (c) the date that the City Commission is expected to review the PLDRC's recommendation and take final action on the application; and, (d) a reference to the section of the City Code that describes the City's process for appeals. It shall be the burden of the applicant for a home occupation permit to clearly and convincingly prove that the application meets the standards and requirements set forth in Subsection C. above. The applicant shall pay any and all costs and application fees associated with processing and reviewing the application, as established by the City.
- E. The City may enforce the provisions of this Section and the conditions of approval of any home occupation permit by any lawful means available to the City under State law and the provisions of the *Code of Ordinances of the City of Lake Helen*. The City Commission shall have the power and authority to revoke any home occupation permit in the event that: (1) the permittee fails to comply with the terms of the permit's approval; (2) there are substantial, well-founded citizen complaints regarding the conduct of the home occupation that demonstrate, to the City Commission's satisfaction, that the home occupation is having an adverse impact on the neighborhood in which the home occupation is located; or (3) the residential dwelling or accessory building in which the home occupation is conducted is determined by the City Commission to no longer be fit to house the home occupation. The City Administrator, upon a determination by the City Commission that such a revocation shall occur, shall give the permittee written notice of the revocation of the permit approval.
 - F. Appeal of any final action taken by the City Administrator or City Commission shall be conducted in accordance with the provisions of Section 14.01.00 of the *Code of Ordinances of the City of Lake Helen*.

- G. The fact that an applicant has paid the business license tax shall not vest the applicant with any rights to receive or maintain a home occupation.
(Ord. No. 2003-05, §1, 10-2-03; Ord. No. 2007-07; §1, 1-18-2007)

7.02.03 Outside Storage Uses

In addition to any applicable requirements outlined in section 7.01.03, all outside storage uses shall conform to the following standards:

- A. Within all Residential and Mixed Commercial land use districts, and within 300 ft. of any Residential and Mixed Commercial land use district, all storage facilities except those for passenger vehicles shall be in completely enclosed buildings.
- B. All outside storage shall be effectively screened by a solid wall or wood fence at least six (6) feet in height, but in no case lower than the material being stored.
- C. The wall or fence must be kept in good repair and sanitary conditions must be maintained within the storage area. The products or items stored must be compatible with allowable principal uses in the land use district.
- D. Where a fence or wall surrounding a storage area faces the street, there shall be no more than one opening in the fence or wall for each 300 feet of length. The opening shall not exceed 20 feet in width and shall be provided with a solid gate or door which must be kept closed except for passage of vehicles.
- E. Where vehicles are stored outside, they shall be licensed and maintained in operable condition. Where not so maintained, they shall be removed from the premises or stored in a building.
- F. For vehicles undergoing bona fide restoration, they may be stored outside upon application and approval of a no-fee permit issued by the City and valid for a 12 month period. Extensions may be recommended by the City Clerk for a 12 month period.

7.02.04 Bed and Breakfast Facilities

Bed and breakfast facilities are a permitted use on property assigned the Mixed Commercial land use/zoning classification/category/district subject to the following requirements:

- A. Not more than three (3) rooms for lodging shall be offered to the public for overnight accommodations unless, upon application, a larger number is approved by the City Commission upon a finding of land use compatibility

with land uses located on adjacent and proximate parcels and that the necessary and adequate public facilities and parking areas will be available.

- B. The rooms for lodging of guests in a bed and breakfast facility shall not occupy more than fifty percent (50%) of the gross habitable floor area of the building.
- C. The external appearance of the building site shall be residential in character and appearance and shall be compatible with the structures adjacent to and proximate to the site.
- D. Only a non-illuminated nameplate placed in a logical and appropriate location on the property, tastefully displayed and adequately lighted for guests arriving after dusk shall be permitted as signage for the site unless, upon application, the City Commission finds that additional signage is necessary and would be appropriate and in accordance with sound and generally accepted planning and land use practices and principles and will maintain compatibility with adjacent and proximate uses. Any additional signage permitted must be consistent with the provisions of this *Code*.
- E. A bed and breakfast facility shall not be permitted if it will be located within one thousand two hundred feet (1,200 ft.) of an existing bed and breakfast facility which is located on a parcel assigned a residential zoning classification. Such distance shall be measured from the nearest property lines of each parcel.
- F. Each bed and breakfast facility must be operated by an on premises owner-occupier of the building. If the establishment is owned by a legal entity other than a natural person, it must maintain an operator on premises at the establishment at all times.
- G. Food and related services may only be offered to registered guests of the bed and breakfast facility, unless the facility is also licensed and permitted as a restaurant and/or retail sales establishment, and may offer to the public special functions, such as weddings, receptions and other short term events upon a determination at the time of development plan or building permit approval, as applicable, that parking and other necessary public services are available to accommodate such events and that such activities are compatible with land uses occurring on adjacent and proximate parcels.

(Ord. 2001-04; §3, 6-21-2001)

7.02.05 Commercial Vehicle Parking

Only commercial vehicles meeting all of the following standards shall be permitted to be parked within residential districts:

- A. Gross vehicle weight not over 10,000 pounds;

B. Not over 2 axles nor more than 6 tires;

C. Total sign area on the vehicle not over 4 sq. ft.

The parking of all other commercial vehicles is prohibited on the public streets or on or within privately owned driveways or property within all residential districts, except for loading or unloading purposes or when parked within a completely enclosed private garage.

See also Article 5, 5.02.00, Off-Street Parking and Loading.